

REMARKS

Applicants thank Examiner Sasan and Supervisory Examiner Woodward for their time and consideration during the telephonic interview with the undersigned on September 4, 2008.

During the interview, the Examiners proposed amending the independent claims to exclude soybean proteins, as disclosed by the present specification. The Examiners stated that one of ordinary skill in the art would consider soybean proteins to be pharmaceutical active principles. Additionally, it was suggested that claim 24 recite a powdered mixture, as recited in claim 29.

The Examiners noted that amendments to the claims would require further consideration and/or search, and, thus, would require the filing of a Request for Continued Examination (RCE).

Accordingly, this amendment is filed along with an RCE, and the amendment is intended to place the application in condition for allowance.

Claims 10, 17, 20, 24, 29 and 30 are amended.

Support for the amendment may be found, for example, in the paragraph bridging specification pages 1 and 2, as well as specification pages 14 and 15.

Claims 10-30 remain pending in the application.

Claims 10-23 stand rejected under 35 USC §103(a) as allegedly being unpatentable over TSUKUDA et al. US 2002/0146487 A1 ("TSUKUDA") in view of FOUACHE et al. US 6,630,586 B1 ("FOUACHE"). This rejection is respectfully traversed.

TSUKUDA is offered for teaching dispersible soy protein granules, which comprise a "not readily digestible" carbohydrate.

FOUACHE is offered for teaching a particular "not readily digestible" carbohydrate.

However, FOUACHE cannot remedy the deficiencies of TSUKUDA for reference purposes.

Independent claim 10 is directed to a method consisting of granulating a mixture of active substances and branch maltodextrins, wherein the substances do not include soybean protein.

As removal of soybean protein in TSUKUDA would have rendered the TSUKUDA granules unsatisfactory for their intended purposes, the proposed combination fails to teach or suggest the claimed invention.

Therefore, the proposed combination cannot render obvious claim 10, nor dependent claims 11-23, and withdrawal of the rejection is respectfully requested.

Claims 24-30 are rejected under 35 USC §103(a) as allegedly being unpatentable over TSUKUDA in view of FOUACHE. This rejection is respectfully traversed.

TSUKUDA and FOUACHE are offered for the same reasons discussed above.

However, as discussed above, FOUACHE cannot remedy the deficiencies of TSUKUDA for reference purposes.

Independent claims 24 and 30 are directed to a method comprising the step of granulating a mixture of active substances and branch maltodextrins, wherein the substances do not include soybean protein. Moreover, the mixture that is granulated in claim 24 is a powdered mixture.

As removal of soybean protein in TSUKUDA would have rendered the TSUKUDA granules unsatisfactory for their intended purposes, and TSUKUDA fails to disclose granulating a powdered mixture as recited in claim 24, the proposed combination fails to teach or suggest the features of claims 24 and 30.

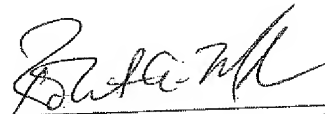
Therefore, the proposed combination fails to render obvious claims 24 and 30, and dependent claims 25-29, and withdrawal of the rejection is respectfully requested.

In view of the amendment to the claims and the foregoing Remarks, the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



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Robert A. Madsen, Reg. No. 58,543  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573

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